



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,308	06/13/2001	Barry J. Glick	774070-7	7380

23879 7590 03/07/2005

BRIAN M BERLINER, ESQ
O'MELVENY & MYERS, LLP
400 SOUTH HOPE STREET
LOS ANGELES, CA 90071-2899

EXAMINER

KIM, JUNG W

ART UNIT PAPER NUMBER

2132

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p>09/880,308</p>	<p>Applicant(s)</p> <p>GLICK ET AL.</p>	
	<p>Examiner</p> <p>Jung W Kim</p>	<p>Art Unit</p> <p>2132</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|--|---|

DETAILED ACTION

1. Claims 1-48 have been examined. Applicant in the amendment filed on December 1, 2004, amended claims 16 and 29, and added new claims 32-48.

Response to Amendment

2. The objection to claim 16 is withdrawn as the amendment overcomes the objection to claim 16.
3. The 112, second paragraph rejection to claim 29 is withdrawn as the amendment to the claim overcomes the 112, second paragraph rejection.

Response to Arguments

4. Applicant's arguments filed December 1, 2004 have been fully considered but they are not persuasive.
5. On pg. 11, 1st paragraph of the Remarks, applicant argues the primary reference, Phelan, does not anticipate applicant's claimed invention, since Phelan does not teach maintaining state between the client and the server:

... the reference does not disclose how these cookies would be used, but it should be apparent that the cookies are not used to maintain state between the client and the servers. Instead, the cookie information seems intended merely to aid in the communication of location coordinates to the servers, and not for maintaining "state" as that term is generally understood in the art.

6. It is noted that the definition of "state" is interpreted based on the specification pg. 2, 3rd paragraph of the instant application, which reads:

To further expand the functionality of web applications on the Internet, web developers also created the concept of "state." In other words, web applications would have the ability to retain a record of a user's prior transactions and utilize that record to more effectively serve that user.

7. Based on this definition of "state", Phelan clearly teaches using cookies to maintain "a record of a user's prior transactions and utilize that record to more effectively serve that user". See Phelan, col. 8:65-9:3; information stored in cookies is used by the server on successive requests to record and display information relevant to the user. Further, applicant's argument that Murphy fails to make up for the deficiencies of Phelan because they fail to teach maintaining state (pg. 12, 1st paragraph) is rendered moot, since Phelan does teach utilizing the state variable to maintain state between the client and the server as indicated above.

8. Moreover, applicant alleges that Wood fails to make up for the deficiencies of Phelan, specifically that the teachings of Wood is fundamentally distinct from the teachings of Phelan because Wood does not teach the state variable storing a location value (pg. 12, 2nd paragraph), but applicant does not explain the fundamental difference. Both Wood and Phelan teach maintaining state using state variables for clients. Further, Phelan teaches storing location values within the state variable; this is not a

fundamental distinction: assignment of a value within a state variable is a trivial matter in the art.

9. Finally, regarding applicant's argument that Wood teaches away from the present invention, specifically:

Further, Wood et al. discloses an architecture in which a persistent session credential is created for use over multiple accesses to one or more information resources. This teaches directly away from the present invention, which in certain embodiments seeks to avoid entirely the security issues pertaining to maintaining persistency over multiple sessions by deleting the state variable upon completion of a session. See Remarks, pg. 12, 2nd full paragraph.

10. It is noted that this limitation is only recited in new claim 43, and hence only pertains to current rejections against new claim 43. In response, examiner disagrees with applicant's interpretation of Wood. Wood clearly discloses using session credentials to maintain state for only a single session. See Wood, col. 2:26-55. The issue of multiple accesses is beside the point; by applicant's own arguments, multiple access is a necessary feature of a session between a client and a server. See Remarks, pg. 11, 1st full paragraph. Further, applicant's own conclusion of Wood contradicts applicant's interpretation of Wood: a persistent session credential that is created for use over multiple access to one or more information resources is created for a single session by virtue of the fact that only the single session credential was created.

11. Hence, for the reasons outlined above and those below, applicant's claimed invention is covered by the prior art of record.

Claim Rejections - 35 USC § 102

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claims 1-3, 10-13, 15-17, 24-27 and 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Phelan U.S. Patent No. 6,240,360 (hereinafter Phelan).

14. As per claim 15, Phelan discloses an apparatus for maintaining state between a client and a server, comprising: means for generating a state variable including a location value and means for utilizing the state variable to maintain state between the client and the server. See Phelan, col. 8:65-9:20. The aforementioned cover the limitations of claim 15.

15. As per claim 16, Phelan discloses an apparatus as outlined above in the claim 15 rejection. In addition, the location value corresponds to the location of the client. See Phelan, col. 9:2-3. The aforementioned cover the limitations of claim 16.

16. As per claim 17, Phelan discloses an apparatus as outlined above in the claim 16 rejection. In addition, the location value comprises a latitude and longitude dimension. See Phelan, col. 9:9. The aforementioned cover the limitations of claim 17.

17. As per claims 24-27, Phelan discloses an apparatus as outlined above in the claim 15 rejection. In addition, the means for utilizing the state variable further comprises means for comparing a portion of the state variable derived from a location value comprising a latitude and longitude dimension corresponding to the location of the client to a database to identify the client. See Phelan, col. 8:65-9:20, especially 8:67. The aforementioned cover claims 24-27.

18. As per claims 1-3 and 10-13, they are method claims corresponding to claims 15-17 and 24-27 and they do not teach or define above the information claimed in claims 15-17 and 24-27. Therefore, claims 1-3 and 10-13 are rejected as being anticipated by Phelan for the same reasons set forth in the rejections of claims 15-17 and 24-27.

19. As per claim 29, Phelan discloses a system for facilitating interaction between a user and a web application on a remote server, comprising:

- a. a computer comprising a processor and memory (see Phelan, Figure 3, Reference No. 10);
- b. a GPS receiver for generating location values corresponding to the user's geographic location (see Phelan, col. 7:65-8:4; 9:2-9);

- c. means operatively associated with the processor for generating a state variable derived from the location values (see Phelan, 8:61-66; 9:9);
- d. means operatively associated with the processor for utilizing the state variable to maintain state between the user and the web application (see Phelan, 5:53-59; 8:61-9:4).

The aforementioned cover the limitations of claim 29.

20. As per claim 30, Phelan discloses a system as outlined above in the claim 29 rejection. In addition, the computer further comprises the means for generating the state variable and the means for utilizing the state variable. See Phelan, col. 8:65-9:20. The aforementioned cover the limitations of claim 30.

21. As per claim 31, Phelan discloses a system as outlined above in the claim 30 rejection. In addition, the computer further comprises the GPS receiver. See Phelan, col. 7:65-8:4. The aforementioned cover the limitations of claim 31.

Claim Rejections - 35 USC § 103

22. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 2132

23. Claims 4, 14, 18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phelan, and further in view of Murphy U.S. Patent No. 5,640,452 (hereinafter Murphy).

24. As per claims 18 and 28, Phelan discloses an apparatus as outlined above in the claim 17 and 27 rejections under 35 U.S.C. 102(e). Phelan does not disclose the location value further comprising an altitude dimension. Murphy discloses a location determination module storing a location value that includes altitude as a third dimension. See Murphy, col. 7:60-62. It would be obvious to one of ordinary skill in the art at the time the invention was made for the location value to include an altitude dimension since it enables the location of the client to be pinpointed in 3-dimensional space. See Murphy, Figure 1. The aforementioned cover the limitations of claims 18 and 28.

25. As per claims 4 and 14, they are method claims corresponding to claims 18 and 28 and they do not teach or define above the information claimed in claims 18 and 28. Therefore, claims 4 and 14 are rejected as being unpatentable over Phelan in view of Murphy for the same reasons set forth in the rejections of claims 18 and 28.

26. Claims 5-9, 19-23, 32, 33, 35-40, 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phelan, and further in view of Wood et al. U.S. Patent No. 6,668,322 (hereinafter Wood).

27. As per claims 19-21, Phelan discloses an apparatus as outlined above in the claim 15 rejection under 35 U.S.C. 102(e). Phelan is silent on the matter of the state variable further including a temporal value wherein the temporal value corresponds to the creation of the state variable and the invocation of an Internet browser session. Wood teaches a system for employing secure credentials wherein a state variable includes a temporal value, which corresponds to the creation of the state variable and the invocation of an Internet browser session. See Wood, col. 6:64-65; 10:48-54, 62-65. It would be obvious to one of ordinary skill in the art at the time the invention was made for a temporal value to be incorporated in the state variable since it represents an essential component of a session state. See Wood, 10:62-64. The aforementioned cover the limitations of claims 19-21.

28. As per claims 22 and 23, Phelan covers an apparatus as outlined above in the claim 19-21 rejections. In addition, Wood teaches deriving an anonymous state variable by mathematically encoding the state variable. See Wood, Figure 4, Reference No. 430 and related text. It would be obvious to one of ordinary skill in the art at the time the invention was made for the apparatus to further comprise means for deriving an anonymous state variable by mathematically encoding the state variable to maintain the integrity and privacy of the credential information stored in the state variable. See Wood, col. 6:61-65. The aforementioned cover the limitations of claims 22 and 23.

29. As per claims 5-9, they are method claims corresponding to claims 19-23 and they do not teach or define above the information claimed in claims 19-23. Therefore, claims 5-9 are rejected as being unpatentable over Phelan in view of Wood for the same reasons set forth in the rejections of claims 19-23.

30. As per claims 32, 33, 35-37, 40, 42 and 44-46, Phelan discloses a method for communicating between a client and a server, comprising generating a unique state variable based on at least a location value corresponding to a location of the client and communicating the state variable to the server to maintain a record of the user (see Phelan, col. 8:10-24 and 8:65-9:9); the location value comprising at least a latitude and longitude dimension (9:9); receiving the location value from a GPS receiver collocated with the client (7:65-8:4; 9:2-9); and maintaining at least a portion of the state variable upon completion of a session (8:65-9:9).

31. Phelan does not expressly teach communicating the state variable to the server upon commencement of a session between the client and the server and maintaining a record of the session using the state variable as an identifier of the client. Wood teaches a system for employing secure credentials to maintain a record of a session using state variables as an identifier of the client, wherein the state variables are communicated to the server upon commencement of a session between the client and the server. See Wood, 6:64-65; 9:22-30; 10:1-29, 48-54 and 62-65. Furthermore, Wood teaches the generating step comprises generating the state variable to further include a temporal value (10:13-17 and 64); wherein the generating step further

comprises generating the temporal value to correspond to a time of creation of the state variable (10:13-14); wherein the generating step further comprises generating the temporal value to correspond to a time of initiation of the session (10:14 and 64); further comprising comparing at least a portion of the state variable to a database to identify the client (13:1-4; 14:21-27, 34-59); wherein the generating step further comprises generating a cookie file containing the state variable (6:64-65); further comprising setting a value field of the cookie file to include the state variable (6:64-65). It would be obvious to one of ordinary skill in the art at the time the invention was made to communicate the state variable to the server upon commencement of a session between the client and the server and maintaining a record of the session using the state variable as an identifier of the client since state variables uniquely identify the session and user of the transaction and hence establishes a more secure session. See Wood, 10:62-64. The aforementioned cover the limitations of claims 32, 33, 35-37, 40, 42 and 44-46.

32. As per claims 38 and 39, Phelan covers a system as outlined above in the claim 32 rejection. In addition, Wood teaches deriving an anonymous state variable by mathematically encoding the state variable. See Wood, Figure 4, Reference No. 430 and related text. It would be obvious to one of ordinary skill in the art at the time the invention was made for the apparatus to further comprise means for deriving an anonymous state variable by mathematically encoding the state variable to maintain the

integrity and privacy of the credential information stored in the state variable. See Wood, col. 6:61-65. The aforementioned cover the limitations of claims 22 and 23.

33. As per claims 43 and 48, Phelan discloses a method as outlined in the claim 32 and 45 rejections. Phelan does not expressly teach setting an age field of the cookie file to zero. However, it is notoriously well known and well implemented in the art to set a cookie max time value to zero to delete the cookie at the end of the user's session; this is a necessary step at the end of a user's session since information stored on invalid cookies that are not deleted may be mistakenly used by the server in a separate user session. Examiner takes Official Notice of this teaching. It would be obvious to one of ordinary skill in the art at the time the invention was made to set an age field of a cookie file to zero to delete the cookie when the user session ends, since deleting the cookie prevents establishing invalid sessions due to invalid cookies.

34. As per claim 47, Phelan discloses a method as outlined in the claim 45 rejection. Phelan does not expressly teach leaving blank at least one of a domain and a path field of the cookie file. However, it is notoriously well known in the art that leaving a blank for the domain and a path field defaults access restriction of the cookie to only the application that saved the cookie. For example, in JAVA, the function `Cookie.setDomain(String uri)` defaults the domain to the domain name of the host that saved the cookie and the function `Cookie.setPath(String uri)` defaults to the file that set the cookie and all files within the directory or under this directory, functions which are

found in the object class `javax.servlet.http.Cookie`. Modification of the domain or the path is the exception rather than the rule. Examiner takes Official Notice of this teaching. It would be obvious to one of ordinary skill in the art at the time the invention was made to leave blank at least one of a domain and a path field of the cookie file, since the default value allows access to the cookie by only the host or file that saved them as known to one of ordinary skill in the art.

35. Claims 34 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phelan in view of Wood, and further in view of Teare et al. U.S. Patent No. 5,243,652 (hereinafter Teare).

36. As per claim 34, Phelan discloses a method as outlined above in the claim 32 rejection. Phelan does not disclose the location value further comprising an altitude dimension. Teare discloses a location determination value including altitude to determine if a user is accessing a service within an authorized location. See Teare, Figure 2 and related text. It would be obvious to one of ordinary skill in the art at the time the invention was made for the location value to include an altitude dimension, since it enables a more precise identification of the location of the client. See Teare, *ibid*. The aforementioned cover the limitations of claim 34.

37. As per claim 41, Phelan discloses a method as outlined above in the claim 40 rejection. Phelan does not expressly disclose a portion of the state variable derived

Art Unit: 2132

from the location value identifies the client. Teare discloses maintaining state information identifying the location of the client to restrict client access within a certain location. See Teare, col. 1:47-57. It would be obvious to one of ordinary skill in the art at the time the invention was made for a portion of the state variable derived from the location value identifies the client, since restricted use for a service within a location ensures that the service provided to specific user is authorized. See Teare, 1:15-29 and 32-37. The aforementioned cover the limitations of claim 41.

38. Claims 43, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phelan in view of Wood, and further in view of admitted prior art in applicant's Specification (hereinafter admission).

39. As per claims 43 and 48, Phelan discloses a method as outlined in the claim 32 and 45 rejections. Phelan does not expressly teach setting an age field of the cookie file to zero. Admission teaches "the maximum age field is typically set to zero to indicate that the state variable cookie does not persist beyond a single browser session" (Specification, pg. 12, lines 9-20, especially lines 17-18). This is a necessary step at the end of a user's session since information stored on invalid cookies that are not deleted may be mistakenly used by the server in a separate user session. It would be obvious to one of ordinary skill in the art at the time the invention was made to set an age field of a cookie file to zero to delete the cookie when the user session ends, since

Art Unit: 2132

the cookie is no longer needed. See admission, *ibid.* The aforementioned cover the limitations of claim 43 and 48.

40. As per claim 47, Phelan discloses a method as outlined in the claim 45 rejections. Phelan does not expressly teach leaving blank at least one of a domain and a path field of the cookie file. Admission teaches "the domain and path field generally remain empty because the state variable cookie is always valid" (Specification, pg. 12, lines 9-20, especially lines 15-16). Modification of the domain or the pathname is the exception rather than the rule. It would be obvious to one of ordinary skill in the art at the time the invention was made to leave blank at least one of a domain and a path field of the cookie file, since the default value enables access to the cookie by only the host or file that saved them as known to one of ordinary skill in the art. See admission, *ibid.* The aforementioned cover the limitations of claim 47.

Conclusion

41. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W Kim whose telephone number is (571) 272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jung W Kim
Examiner
Art Unit 2132

Jk


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Application/Control Number: 09/880,308

Page 17

Art Unit: 2132

March 1, 2005